

DECISION

Dispute Codes:

MNSD, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and the filing fee. The landlord applied to retain the security deposit in partial satisfaction of his claim.

The landlord served the notice of hearing on the tenant in person, in the presence of a witness, on December 10, 2009. During the hearing, the landlord attempted to contact the witness who was standing by to testify, but was unable to reach him. I accept the landlord's sworn testimony that he served the tenant in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and for the filing fee? Is the landlord entitled to retain the security deposit in partial satisfaction of this claim?

Background and Evidence

The landlord testified that the tenancy started on January 01, 2009. Prior to moving in, the tenant paid a security deposit of \$380.00. The monthly rent was \$995.00 payable on the first day of each month. The tenant moved out on October 31, 2009.

The landlord stated that the tenant owed \$375.00 for September and \$995.00 for October. After the landlord served the tenant with the notice of hearing, the tenant contacted the landlord and paid a total of \$550.00 in two instalments. Therefore the landlord amended his claim to a total of \$820.00 in unpaid rent.

Analysis

Based on the undisputed testimony of the landlord, and in the absence of any contradictory evidence from the tenant, I find that the tenant owes the landlord \$820.00 in unpaid rent. Since the landlord has proven his case, he is also entitled to the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$380.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$490.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$490.00**.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 11, 2010.

Dispute Resolution Officer